

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND FRANKS,

No. C 08-01525 SBA (PR)

Petitioner,

v.

D. K. SISTO, Warden,

Respondent.

**ORDER GRANTING PETITIONER'S
IMPLIED MOTION FOR LEAVE TO
FILE HIS FIRST AMENDED
PETITION; REOPENING ACTION;
AND REASSIGNING IT RANDOMLY
TO A MAGISTRATE JUDGE**

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 11, 2008, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his state judicial remedies.

Thereafter, Petitioner informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Dkt. 15.

On April 30, 2014, the Court directed Petitioner to file a first amended petition, which incorporates the newly-exhausted claims he intends to raise in federal court. Dkt. 16.

On May 19, 2014, Petitioner filed a document, which the Court construes as a motion for an extension of time to file his first amended petition. Dkt. 17.

On June 18, 2014, Petitioner filed his first amended petition. Dkt. 19.

In light of the fact that Petitioner has filed his first amended petition, his motion for an extension of time to do so (Dkt. 17) is DENIED as moot.

Good cause appearing, Petitioner's implied motion for leave to file his first amended petition is GRANTED. The Clerk of the Court is directed to mark Petitioner's first amended petition (Dkt. 19) as filed on June 18, 2014, the date it was received.

The Court further notes that Petitioner has filed a consent to magistrate judge jurisdiction in this habeas matter. Dkt. 19 at 49.¹

¹ Page number citations refer to those assigned by the Court's electronic case management filing system and not those assigned by Petitioner.

1 The Clerk shall REOPEN this case and then randomly reassign this matter to a
2 magistrate judge.

3 This Order terminates Docket No. 17.

4 IT IS SO ORDERED.

5 DATED: 6/24/2014


SUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California